



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

ALC/DCP/LHE/PTH
F. #2016R00505

*271 Cadman Plaza East
Brooklyn, New York 11201*

June 10, 2019

BY ECF

The Honorable Brian M. Cogan
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: United States v. Mark Nordlicht, et al.
Criminal Docket No. 16-640 (BMC)

Dear Judge Cogan:

The government respectfully submits this letter to move for an order requiring defendant Mark Nordlicht to disclose the order of the defense witnesses who have been noticed to date, and for an order requiring the defendants to call Special Agent Julie Amato between 9:30 a.m. and 12:30 p.m. on Tuesday, June 11, 2019, if they choose to call her that day.

As the Court is aware, the government expects to rest early tomorrow morning, following the admission of the remaining exhibits it intends to introduce. The government has provided the defendants with its list of remaining exhibits and the defendants have indicated they have objections to certain of those exhibits. As soon as the Court has addressed any such objections and the government's final exhibits are received, the defense will start its case, presumably by mid-morning tomorrow.

On the evening of Friday, June 7, 2019, defendant Nordlicht advised the government of the first seven witnesses he intends to call as part of his defense case. Despite at least two requests from the government by e-mail, the defendant has not provided the government with the anticipated order of those witnesses, as the government was required to do during its case. It is unreasonable to expect the government to prepare for seven defense witnesses at once, particularly since the defendant has not provided any Rule 26.2 material, and the government reserves the right to delay cross-examination until it is adequately prepared. Accordingly, the government respectfully requests that defendant Nordlicht be ordered to provide the order of witnesses in his defense case no later than 4:00 p.m. today.

The seven witnesses noticed by Nordlicht did not include the government's case agents, Special Agent Julie Amato and Postal Inspector Amber Jordan. Nevertheless, Nordlicht indicated on Sunday, June 9, that he now intends to call both Special Agent Amato and Inspector Jordan on Tuesday. As a result, Nordlicht has now noticed nine witnesses, and has not provided the proposed order for any of them. Moreover, defendant Levy indicated in court on Friday that,

